An Account of the TRYAL

And Examination of Owen O' Neille and Felim O' Neille two Brothers and Gentlemen of the North of IRELAND, who were Tryed at the King's-Bench Bar, being accused for Encouraging and Assisting one Edward Hare a Grenadier to Murther Charles O' Hara Esq; at his House in the County of Dublin on Fifth Day of September last at Night.

THE first Evidence for the King was the said Charles O' Hara, who being Sworn, said, That about the Hour of Twelve at Night, between the 6th and 7th of September last, the said Edward Hare Grenadier came to his Bed-side and attempted to kill him, to prevent which the said Charles got out of Bed and took hold of the said Grenadier, that they both Struggled together in the Room so long untill, Esq; O' Hara got the Grenadier under him; that then the Grenadier took him by his Members, and did so pull him by the same, that he was forced to let him go, and going out of Doors into the Garden the said Charles follow'd the Grenadier, who took with him a Carbine belonging to the said Charles, wherewith he struck the said Charles, but that the said Charles took hold of the Muzzle of the said Carbine, and did so struggle the second time in the Garden, untill another Person; with a pair of Boots a Jockey-Coat and a Jockey-Belt came behind him and struck him on the back of the Head and Cut him, The Court ask'd Esq; O' Hara what he had to say against the Prisoners in the Bar, who made Answer that by his size or bulk, he believed in his Conscience the said Owen to be the Person in Boots, and with the Jockey-Coat and Belt as aforesaid, that struck him and knock'd him down; and then he seen and took Notice of another Person besides the said Owen, and Grenadier.

The said Owen ask'd the said Charles if he knew him so well, why he did not Challenge him or make Use of his Name, who answered that he did not think proper to make Use of his Name at that Time, the said Owen ask'd him again if he did not prevail upon the said Grenadier to Swear several fresh Examinations against both the Prisoners, and whether he gave him Cloaths and Money for so doing, and whether the said Charles did not take one of the said Examinations with him to London, and to what Purpose.

Esq; O' Hara made Answer that out of Charity when the said Hare complained that he was Starving with Cold, being stript Naked by his Officer, that he allowed him half a Crown to help to buy him some sort of an Old Coat, and as for the Examinations it was true, that he took one of them with him to England in order to have them Publish'd there.

The second Evidence was Margret Kelly, who was then Servant to the said O'Hara, who being Sworn said, that on the Night aforesaid she left her Master in Bed, and lockt the Room Door as she always did and took the Key with her to her own bed side; that in the Morning when her Master was Complaining of being almost Kill'd, she ask'd him how that could be when she had the Key of his Room Door, the Court askt her if she heard him Complain of any Number of Men that abused him, she made answer that she did not hear him complain that there was any more than one Man, and that she very often heard him tell and talk of his abuse, but did not talk of any more then one, who left his Hat and Stick behind him, and that she did not know the Prisoners in the Bar at all. The third Evidence for the King was James Martin a Frenchman, who said that on the Night aforesaid he was in Company with Charles O Hara and others in an Ale-house near the said O' Hara's House until about 2 Eleven of the Clock, that the said O-Hara Complain'd of being Sleepy and Tired, for which Reason he quitted the said Company and went to Bed, that in the Morning following he was informed that the said O'Hara was Kill'd, and therefore went to see him, that seeing the said O' Hara full of his Blood and Cut in several parts of his Head, the said O Hara beg'd of him to run for Mr. Archbold the Surgeon, or else he would be a Dead Man.

That after he brought Mr. Archbold, the said Charles desired him to Ride as far as Swords, and Enquire if any Strangers Rid by that Morning, that he obeyed his Commands, but could not hear of any such, neither had he any thing to say against the Prisoners.

The 4th Evidence for the King, was the said Grenadier who being Sworn said, that he very well knew the said Owen and Phelim, being born in the same place with them, and that they were actually and really the two Persons who Encourag'd him to the said Wicked Attempt, and promis'd him that he should never want Money as long as he Liv'd; And therefore having Importun'd him and Drank with him for several Days, and at last prevail'd on him to go along with them as far as the Shell-House to the said Mr' O' Hara's, where they waited along with him in a Meadow till about 12 a Clock at Night, where they came in Person and push'd Open the said O Hara's House Door, that having Compleatly made an End of his wicked Evidence. The Court Order'd him to look before and behind him, and shew which Two Gentlemen were Owen and Phelim O Neil; he did Stare and Gaze all about him, and at last said, that he could not see them, tho' they both stood by him, and were both shew'd to him; The Court ask'd the Prisoners what they had to say for themselves, who soon produc'd Two Credible Witnesses, who Swore that on the 5th of September last, he the said Owen *was in their Company all that Day, and Produc'd several Papers to which the said* Owen O Neil *was Subscribing Witnesses on the same Day in the County of Down,*

Whereupon the Jury without Receiving any manner of Charge, gave their Verdict where they Stood, and Clear'd the said *Owen* and *Phelim O Neil* And immediately after, the Granadier's Conscience accusing him, that he Deny'd every word he Swore, and Declar'd openly, that it was by the Inducement of the aforesaid Persons, that he Swore against the said *Owen and Phelim O Neil* for which he was promis'd, that he should never want,

For which, I beg God's Pardon and theirs.

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